

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

WILLIAM ENGLAND,

Case No. 2:17-cv-00714-APG-CWH

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a former state prisoner. On June 4, 2018, this Court issued an order directing Plaintiff to file his updated address with this Court on or before Friday, July 6, 2018. (ECF No. 25 at 1-2). The deadline has now expired, and Plaintiff has not filed his updated address or otherwise responded to the Court's order.¹

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring

¹ The Court notes that it has warned Plaintiff multiple times about updating his address with the Court. (ECF Nos. 7, 9, 25).

1 pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833
2 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*
3 v. *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and
4 failure to comply with local rules).

5 In determining whether to dismiss an action for lack of prosecution, failure to obey
6 a court order, or failure to comply with local rules, the court must consider several factors:
7 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
8 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
9 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
10 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;
11 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

12 In the instant case, the Court finds that the first two factors, the public's interest in
13 expeditiously resolving this litigation and the Court's interest in managing the docket,
14 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs
15 in favor of dismissal, since a presumption of injury arises from the occurrence of
16 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See
17 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy
18 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor
19 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
20 the court's order will result in dismissal satisfies the "consideration of alternatives"
21 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779
22 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the
23 Court on or before Friday, July 6, 2018 expressly stated: "IT IS FURTHER ORDERED
24 that, if Plaintiff fails to timely comply with this order, the Court will recommend dismissal
25 of this case with prejudice." (ECF No. 25 at 2). Thus, Plaintiff had adequate warning that
26 dismissal would result from his noncompliance with the Court's order to file his updated
27 address on or before Friday, July 6, 2018.
28

It is therefore ordered that this action is dismissed with prejudice based on Plaintiff's failure to file an updated address in compliance with this Court's June 4, 2018, order.

It is further ordered that all outstanding motions (ECF Nos. 15, 20) are denied as moot.

It is further ordered that the Clerk of Court shall enter judgment accordingly.

Dated: July 20, 2018.



UNITED STATES DISTRICT JUDGE